1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 WEST-HARDWICK MARINE, LLC, an Alaska limited liability company, IN ADMIRALTY 10 Plaintiff, NO. 10-0156585L 11 DECLARATION OF MATTHEW V. **SCHNEIDER** 12 SPIRIT OF '98, Official Number 677464, her engines, furniture and appurtenances, In Rem; 13 14 and WEST TRAVEL, INC., a Washington 15 corporation, In Personam, 16 Defendants. 17 18 I, Matthew Schneider, pursuant to 28 U.S.C. § 1746, upon my personal knowledge, 19 information and belief, certify as follows: 20 1. I have experience as a vessel owner and operator and have served as the U.S. 21 Marshal's substitute custodian for vessels under arrest in this District. 22 2. I have read Local Admiralty Rule 135 pertaining to the custody of property and am familiar with its provisions. 23 24 YOUNG deNORMANDIE DECLARATION OF MATTHEW SCHNEIDER - 1 SECOND & SENECA BUILDING

Second & Seneca Building 1191 Second Avenue, Suite 1901 Seattle, Washington 98101 Phone: (206) 224-9818 Fax: (206) 623-6923

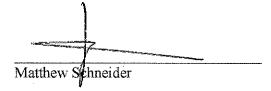
- 3. I am not a party to this action and have no interest in the outcome of this action in which the defendant vessel SPIRIT OF '98, Official Number 677464 ("Vessel") will be under arrest.
- 4. I am familiar with the defendant Vessel, at least to the extent of her size, type, construction material and apparent condition and have access to adequate facilities and supervision for and can safely keep the same in place of the United States Marshal during the pendency of this suit until further Order of the Court, and in this regard, will perform the normal and customary custodial services for said Vessel, including attending mooring lines, bilge pumping as necessary, and providing locks and security, during the custodianship at a charge of \$25 per day, plus the initial arrest charge of \$500.
- 5. If not paid directly by West-Hardwick, I will charge moorage at the rate currently charged at her present location at Fishermen's Terminal, situated in Seattle, Washington, plus 15%. The total charge for said services will be less than those charged by the United States Marshal for providing such services through professional keepers. I will provide these services and keep the Vessel secured at her current location unless it is determined that the Vessel should be moved in order to safeguard and protect the Vessel, or minimize expenses and/or maximize the sale price of the Vessel. In the event the Vessel needs to be moved, I will notify the United States Marshal's office prior to movement and when she has been secured.
- 6. I am the named beneficiary on a marine general insurance policy issued by Farmers Insurance Services (Policy Number 60027-70-82) with a minimum limit of \$1,000,000 for damage sustained by third parties due to negligence committed during said custody, and plaintiff further has agreed to hold harmless and indemnify the United States and the United States Marshal.

Case 2:10-cv-01505-RSL Document 6 Filed 09/21/10 Page 3 of 3

7. I agree to accept substitute custodianship of the defendant Vessel, her engines, machinery and appurtenances, etc. in accordance with the order appointing substitute custodian.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 17 day of September, 2010 at Seattle, Washington.



M:\Data\N-Z\West Hardwick Marine\Spirit of '98\Pleadings\Custodian Declaration.doc

DECLARATION OF MATTHEW SCHNEIDER - 3

YOUNG deNORMANDIE

SECOND & SENECA BUILDING 1191 SECOND AVENUE, SUITE 1901 SEATTLE, WASHINGTON 98101 Phone: (206) 224-9818 Fax: (206) 623-6923